

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: JULIUS R. SMARGIASSI  
AKA: JULIUS R SMARGIASSI, JR  
KAREN M SMARGIASSI

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE

Movant

CASE NO: 5-16-00910-JJT

vs.

JULIUS R. SMARGIASSI  
AKA: JULIUS R SMARGIASSI, JR KAREN M  
SMARGIASSI

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

COMES NOW, on December 14, 2016, Charles DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 1307(c), due to material default by the debtor(s) with respect to the terms of the plan.

Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1307(c).

Respectfully submitted,

s/ Charles J. DeHart, III  
Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097

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CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

CASE NO: 5-16-00910-JJT

**NOTICE**

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion. Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

**CONFERENCE before Trustee:**

January 10, 2017 at 9:00 am  
U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
197 S. Main Street  
Wilkes Barre, PA

**HEARING:**

January 10, 2017 at 09:35 AM  
U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
197 S. Main Street  
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the conference or dismissal hearing unless one of the following takes place on or before: **1/03/2017**.

1. You have paid the following and have confirmed payment with Trustee DeHart's office.

**AMOUNT DELINQUENT AS OF LAST MONTH: \$ 1176.00**

**AMOUNT DUE FOR THIS MONTH: \$588.00**

**TOTAL AMOUNT DUE BEFORE CONFERENCE/HEARING DATE: \$1764.00**

**NOTE:**

**ALL payments must be made by CERTIFIED CHECK, MONEY ORDER or through TFSBILLPAY.COM. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED!**

**DO NOT** send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and **may result in dismissal of your case.**

**If submitting payment by U.S. First Class Mail mail to:**

**CHARLES J. DEHART, III, PO BOX 7005, LANCASTER, PA 17604**

If submitting payment using TFSBILLPAY.COM please allow 5 business days for payment to be applied.

2. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the Court, or

3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee DeHart.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.**

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097

Dated: December 14, 2016

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CHAPTER 13 TRUSTEE

Movant

**CERTIFICATE OF SERVICE**

I hereby certify that the Debtor and his/her counsel, have been served a copy of this Motion, Notice and Proposed Order by First Class Mail, unless served electronically, at the below address on December 14, 2016.

LISA M. DORAN, ESQUIRE  
69 PUBLIC SQUARE SUITE 700  
WILKES-BARRE, PA 18701-

JULIUS R. SMARGIASSI  
KAREN M SMARGIASSI  
115 BETTY STREET  
EYNON, PA 18403-1223

Respectfully submitted,

s/ Liz Joyce  
for Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097

Dated: December 14, 2016

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MOTION TO DISMISS

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.